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ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೯ Volume 149	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಫೆಬ್ರವರಿ ೧೩, ೨೦೧೪ (ಮಾಘ ೨೪, ಶಕ ವರ್ಷ ೧೯೩೫) Bangalore, Thursday, February 13, 2014 (Magha 24, Shaka Varsha 1935)	ಸಂಚಿಕೆ ೭ Issue 7

ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 47 ಕೇಶಾಪ್ರ 2013, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 08/11ನೇ ನವೆಂಬರ್, 2013.

2013ನೇ ಸಾಲಿನ 10–09–2013ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ (1) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The National Food Security 2013 (No.20 of 2013) ದಿನಾಂಕ 10–09–2013 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 10th September, 2013

The following Act of Parliament received the assent of the President on the 10th September, 2013, and is hereby published for general information:-

THE NATIONAL FOOD SECURITY ACT, 2013

No. 20 OF 2013

[10th September, 2013.]

An Act to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.-(1) This Act may be called the National Food Security Act, 2013.

(2) It extends to the whole of India.

(3) Save as otherwise provided, it shall be deemed to have come into force on the 5th day ofJuly, 2013.

2. Definitions.-In this Act, unless the context otherwise requires,-

(1) *"anganwadi"* means a child care and development centre set up under the Integrated Child Development Services Scheme of the Central Government to render services covered under section 4, clause *(a)* of sub-section (1) of section 5 and section 6;

(2) "central pool" means the stock of foodgrains which is,-

(i) procured by the Central Government and the State Governments through minimum support price operations;

(ii) maintained for allocations under the Targeted Public Distribution System, other welfare schemes, including calamity relief and such other schemes;

(iii) kept as reserves for schemes referred to in sub-clause *(ii);*

(3) "eligible households" means households covered under the priority households and the Antyodaya Anna Yojana referred to in sub-section (1) of section 3;

(4) "fair price shop" means a shop which has been licensed to distribute essential commodities by an order issued under section 3 of the Essential Commodities Act, 1955, (10 of 1955) to the ration card holders under the Targeted Public Distribution System;

(5) "foodgrains" means rice, wheat or coarse grains or any combination thereof conforming to such quality norms as may be determined, by order, by the Central Government from time to time;

(6) "food security" means the supply ofthe entitled quantity of foodgrains and meal specified under Chapter II;

(7) "food security allowance" means the amount of money to be paid by the concerned State Government to the entitled persons under section 8;

(8) "local authority" includes Panchayat, municipality, district board, cantonment board, town planning authority and in the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura where Panchayats do not exist, the village councilor committee or any other body, by whatever name called, which is authorised under the Constitution or any law for the time being in force for self-governance or any other authority or body vested with the control and management of civic services, within a specified local area;

(9) "meal" means hot cooked or pre-cooked and heated before its service meal or take home ration, as may be prescribed by the Central Government;

(10) "minimum support price" means the assured price announced by the Central Government at which foodgrains are procured from farmers by the Central Government and the State Governments and their agencies, for the central pool;

(11) "notification" means a notification issued under this Act and published in the Official Gazette;

(12) "other welfare schemes" means such Government schemes, in addition to the Targeted Public Distribution System, under which foodgrains or meals are supplied as part of the schemes;

(13) "person with disability" means a person defined as such in clause *(t)* of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) ;

(14) "priority households" means households identified as such under section 10;

(15) "prescribed" means prescribed by rules made under this Act;

(16) "ration card" means a document issued under an order or authority of the State Government for the purchase of essential commodities from the fair price shops under the Targeted Public Distribution System;

(17) "rural area" means any area in a State except those areas covered by any urban local body or a cantonment board established or constituted under any law for the time being in force;

(18) "Schedule" means a Schedule appended to this Act;

(19) "senior citizen" means a person defined as such under clause *(h)* of section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (56 of 2007);

(20) "social audit" means the process in which people collectively monitor and evaluate the planning and implementation of a programme or scheme;

(21) "State Commission" means the State Food Commission constituted under section 16;

(22) "State Government", in relation to a *Union* territory, means the Administrator thereof appointed under article 239 of the Constitution;

(23) "Targeted Public Distribution System" means the system for distribution of essential commodities to the ration card holders through fair price shops;

(24) "Vigilance Committee" *means* a *committee* constituted under section 29 to supervise the implementation of all schemes under this Act;

(25) the words and expressions not defined here but defined in the Essential Commodities Act, 1955 (10 of 1955), or any other relevant Act shall have the meaning respectively assigned to them in those Acts.

CHAPTER II

PROVISIONS FOR FOOD SECURITY

3. Right to receive foodgrains at subsidised prices by persons belonging to eligible households under Targeted Public Distribution System.- (1) Every person belonging to priority households, identified under sub-section (1) of section 10, shall be entitled to receive five kilograms of foodgrains per person per month at subsidised prices specified in Schedule I from the State Government under the Targeted Public Distribution System:

Provided that the households covered under Antyodaya Anna Yojana shall, to such extent as may be specified by the Central Government for each State in the said scheme, be entitled to thirty-five kilograms of foodgrains per household per month at the prices specified in Schedule I:

Provided further that if annual allocation of foodgrains to any State under the Act is less than the average annual offtake of foodgrains for last three years under normal Targeted Public Distribution System, the same shall be protected at prices as may be determined by the Central Government and the State shall be allocated foodgrains as specified in Schedule IV.

Explanation.- For the purpose of this section, the "Antyodaya Anna Yojana" means, the scheme by the said name launched by the Central Government on the 25th day of December, 2000; and as modified from time to time.

(2) The entitlements of the persons belonging to the eligible households referred to in sub-section (1) at subsidised prices shall extend up to seventy-five per cent. of the rural population and up to fifty per cent. of the urban population.

(3) Subject to sub-section (1), the State Government may provide to the persons belonging to eligible households, wheat flour in lieu of the entitled quantity of foodgrains in accordance with such guidelines as may be specified by the Central Government.

4. Nutritional support to pregnant women and lactating mothers.-Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to-

(a) meal, free of charge, during pregnancy and six months after the child birth, through the local *anganwadi,* so as to meet the nutritional standards specified in Schedule II; and

(b) maternity benefit of not less than rupees six thousand, in such instalments as may be prescribed by the Central Government:

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause *(b).*

5. Nutritional support to children.- (1) Subject to the provisions contained in clause *(b),* every child up to the age of fourteen years shall have the following entitlements for his nutritional needs, namely:-

(a) in *the* case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local *anganwadi* so as to meet the nutritional standards specified in Schedule II:

Provided that for children below the age of six months, exclusive breast feeding shall be promoted;

(b) in *the case* of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, so as to meet the nutritional standards specified in Schedule **II.**

(2) Every school, referred to in clause *(b)* of sub-section (1), and *anganwadi* shall have facilities for cooking meals, drinking water and sanitation:

Provided that in urban areas facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government.

6. Prevention and management of child malnutrition.-The State Government shall, through the local *anganwadi,* identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II.

7. Implementation of schemes for realisation of entitlements.-The State Governments shall implement schemes covering entitlements under sections 4, 5 and section 6 in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government.

CHAPTER III

FOOD SECURITY ALLOWANCE

8. Right to receive food security allowance in certain cases.-In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter **II,** such persons shall be entitled to receive such food security allowance from the concerned State Government to be paid to each person, within such time and manner as may be prescribed by the Central Government.

CHAPTER IV

IDENTIFICATION OF ELIGIBLE HOUSEHOLDS

9. Coverage of population under Targeted Public Distribution System.-The percentage coverage under the Targeted Public Distribution System in rural and urban areas for each State shall, subject to sub-section (2) of section 3, be determined by the Central Government and the total number of persons to be covered in such rural and urban areas of the State shall be calculated on the basis of the population estimates as per the census of which the relevant figures have been published.

10. State Government to prepare guidelines and to identify priority households.- (1) The State Government shall, within the number of persons determined under section 9 for the rural and urban areas, identify-

(a) the households to be covered under the Antyodaya Anna Yojana to the extent specified under sub-section (1) of section 3, in accordance with the guidelines applicable to the said scheme;

(b) the remaining households as priority households to be covered under the Targeted Public Distribution System, in accordance with such guidelines as the State Government may specify:

Provided that the State Government may, as soon as possible, but within such period not exceeding three hundred and sixty-five days, after the commencement of the Act, identify the eligible households in accordance with the guidelines framed under this sub-section:

Provided further that the State Government shall continue to receive the allocation of foodgrains from the Central Government under the existing Targeted Public Distribution System, till the identification of such households is complete.

(2) The State Government shall update the list of eligible households, within the number of persons determined under section 9 for the rural and urban areas, in accordance with the guidelines framed under sub-section (1).

11. Publication and display of list of eligible households.-The State Government shall place the list of the identified eligible households in the public domain and display it prominently.

CHAPTER V

REFORMS IN TARGETED PUBLIC DISTRIBUTION SYSTEM

12. Reforms in Targeted Public Distribution System.-(1) The Central and State Governments shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in this Act.

(2) The reforms shall, *inter alia,* include-

(a) doorstep delivery of foodgrains to the Targeted Public Distribution System outlets;

(b) application of information and communication technology tools including end-to-end computerisation in order to ensure transparent recording of transactions at all levels, and to prevent diversion;

(c) leveraging "aadhaar" for unique identification, with biometric information of entitled beneficiaries for proper targeting of benefits under this Act;

(d) full transparency of records;

(e) preference to public institutions or public bodies such as Panchayats, selfhelp groups, co-operatives, in licensing of fair price shops and management of fair price shops by women or their collectives;

(f) diversification of commodities distributed under the Public Distribution System over a period of time;

(g) support to local public distribution models and grains banks;

(h) introducing schemes, such as, cash transfer, food coupons, or other schemes, to the targeted beneficiaries in order to ensure their foodgrain entitlements specified in Chapter II, in such area and manner as may be prescribed by the Central Government.

CHAPTER VI

WOMEN EMPOWERMENT

13. Women of eighteen years of age or above to be head of household for purpose of issue of ration cards.-(1) The eldest woman who is not less than eighteen years of age, in every eligible household, shall be head of the household for the purpose of issue of ration cards.

(2) Where a household at any time does not have a woman or a woman of eighteen years of age or above, but has a female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for the purpose of issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such ration cards in place of such male member.

CHAPTER VII

GRIEVANCE REDRESSAL MECHANISM

14. Internal grievance redressal mechanism.-Every State Government shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed.

15. District Grievance Redressal Officer.-(1) The State Government shall appoint or designate, for each district, an officer to be the District Grievance Redressal Officer for expeditious and effective redressal of grievances ofthe aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapter **II,** and to enforce the entitlements under this Act.

(2) The qualifications for appointment as District Grievance Redressal Officer and its powers shall be such as may be prescribed by the State Government.

(3) The method and terms and conditions of appointment of the District Grievance Redressal Officer shall be such as may be prescribed by the State Government.

(4) The State Government shall provide for the salary and allowances of the District Grievance Redressal Officer and other staff and such other expenditure as may be considered necessary for their proper functioning.

(5) The officer referred to in sub-section (1) shall hear complaints regarding nondistribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed by the State Government.

(6) Any complainant or the officer or authority against whom any order has been passed by officer referred to in sub-section (1), who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission.

(7) Every appeal under sub-section (6) shall be filed in such manner and within such time as may be prescribed by the State Government.

16. State Food Commission.-(1) Every State Government shall, by notification, constitute a State Food Commission for the purpose of monitoring and review of implementation of this Act.

(2) The State Commission shall consist of

(a) a Chairperson;

(b) five other Members; and

(c) a Member-Secretary, who shall be an officer of the State Government not below the rank of Joint Secretary to that Government:

Provided that there shall be at least two women, whether Chairperson, Member or Member-Secretary:

Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member-Secretary.

(3) The Chairperson and other Members shall be appointed from amongst persons-

(a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; or

(b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or

(c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

(4) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

(5) The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the State Commission may be appointed, and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government.

(6) The State Commission shall undertake the following functions, namely:-

(a) monitor and evaluate the implementation of this Act, in relation to the State;

(b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapter II;

(c) give advice to the State Government on effective implementation of this Act;

(d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act;

(e) hear appeals against orders ofthe District Grievance Redressal Officer;

(f) prepare annual reports which shall be laid before the State Legislature by the State Government.

(7) The State Government shall make available to the State Commission, such administrative and technical staff, as it may consider necessary for proper functioning of the State Commission.

(8) The method of appointment of the staff under sub-section (7), their salaries, allowances and conditions of service shall be such, as may be prescribed by the State Government.

(9) The State Government may remove from office the Chairperson or any Member who-

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as a member; or

(c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest.

(10) No such Chairperson or Member shall be removed under clause *(d)* or clause *(e)* of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.

17. Salary and allowances of Chairperson, Member, Member Secretary and other staff of State Commission.-The State Government shall provide for salary and allowances of Chairperson, other Members, Member-Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission.

18. Designation of any Commission or body to function as State Commission.-The State Government may, if considers it necessary, by notification, designate any statutory commission or a body to exercise the powers and perform the functions of the State Commission referred to in section 16.

19. Joint State Food Commission.-Notwithstanding anything contained in sub-section (1) of section 16, two or more States may have a Joint State Food Commission for the purposes of this Act with the approval of the Central Government.

20. Powers relating to inqumes.-(1) The State Commission shall, while inquiring into any matter referred to in clauses *(b)* and *(e)* of sub-section (6) of section 16, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), and, in particular, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office; and

(e) issuing commissions for the examination of witnesses or documents.

(2) The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973. (32 of 1974).

21. Vacancies, etc., not to invalidate proceedings of State Commission.-No act or proceeding of the State Commission shall be invalid merely by reason of-

(a) any vacancy in, or any defect in the constitution of, the State Commission; or

(b) any defect in the appointment of a person as the Chairperson or a Member of the State Commission; or

(c) any irregularity in the procedure of the State Commission not affecting the merits of the case.

CHAPTER VIII

OBLIGATIONS OF CENIRAL GOVERNMENT FOR FOOD SECURITY

22. Central Government to allocate required quantity of foodgrains from central pool to State Governments.- (1) The Central Government shall, for ensuring the regular supply of foodgrains to persons belonging to eligible households, allocate from the central pool the required quantity of foodgrains to the State Governments under the Targeted Public Distribution System, as per the entitlements under section 3 and at prices specified in Schedule I.

(2) The Central Government shall allocate foodgrains in accordance with the number of persons belonging to the eligible households identified in each State under section *10.*

(3) The Central Government shall provide foodgrains in respect of entitlements under sections 4, 5 and section 6, to the State Governments, at prices specified for the persons belonging to eligible households in Schedule I.

(4) Without prejudice to sub-section (1), the Central Government shall,-

(a) procure foodgrains for the central pool through its own agencies and the State Governments and their agencies;

(b) allocate foodgrains to the States;

(c) provide for transportation of foodgrains, as per allocation, to the depots designated by the Central Government in each State;

(d) provide assistance to the State Government in meeting the expenditure incurred by it towards intra-State movement, handling of foodgrains and margins paid to fair price shop dealers, in accordance with such norms and manner as may be prescribed by the Central Government; and

(e) create and maintain required modern and scientific storage facilities at various levels.

23. Provisions for funds by Central Government to State Government in certain cases.- In case of short supply of foodgrains from the central pool to a State, the Central Government shall provide funds to the extent of short supply to the State Government for meeting obligations under Chapter II in such manner as may be prescribed by the Central Government.

CHAPTER IX

OBLIGATIONS OF STATE GOVERNMENT FOR FOOD SECURITY

24. Implementation and monitoring of schemes for ensuring food security.- (1) The State Government shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State.

(2) Under the Targeted Public Distribution System, it shall be the duty of the State Government to-

(a) take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule **I,** organise intra-State allocations for delivery of the allocated foodgrains through their authorised agencies at the door-step of each fair price shop; and

(b) ensure actual delivery or supply of the foodgrains to the entitled persons at the prices specified in Schedule I.

(3) For foodgrain requirements in respect of entitlements under sections 4, 5 and section 6, it shall be the responsibility of the State Government to take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I for persons belonging to eligible households and ensure actual deli very of entitled benefits, as specified in the aforesaid sections.

(4) In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter **II,** the State Government shall be responsible for payment of food security allowance specified in section 8.

(5) For efficient operations of the Targeted Public Distribution System, every State Government shall,-

(a) create and maintain scientific storage facilities at the State, District and Block levels, being sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food based welfare schemes;

(b) suitably strengthen capacities of their Food and Civil Supplies Corporations and other designated agencies;

(c) establish institutionalised licensing arrangements for fair price shops in accordance with the relevant provisions ofthe Public Distribution System (Control) Order, 2001 made under the Essential Commodities Act, 1955 (10 of 1955.), as amended from time to time.

CHAPTER X

OBLIGATIONS OF LOCAL AUTHORITIES

25. Implementation of Targeted Public Distribution System by local authority in their areas.-(1) The local authorities shall be responsible for the proper implementation of this Act in their respective areas.

(2) Without prejudice to sub-section (1), the State Government may assign, by notification, additional responsibilities for implementation of the Targeted Public Distribution System to the local authority.

26. Obligations of local authority. In implementing different schemes of the Ministries and Departments of the Central Government and the State Governments, prepared to implement provisions of this Act, the local authorities shall be responsible for discharging such duties and responsibilities as may be assigned to them, by notification, by the respective State Governments.

CHAPTER XI

TRANSPARENCY AND ACCOUNTABILITY

27. Disclosure of records of Targeted Public Distribution System.-All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government.

28. Conduct of social audit.-(1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government.

(2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits.

29. Setting up of Vigilance Committees.-(1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, every State Government shall set up Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1955 (10 of 1955) , as amended from time to time, at the State, District, Block and fair price shop levels consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability.

(2) The Vigilance Committees shall perform the following functions, namely:

(a) regularly supervise the implementation of all schemes under this Act;

(b) inform the District Grievance Redressal Officer, in writing, of any violation of the provisions of this Act; and

(c) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds found by it.

CHAPTER XII

PROVISIONS FOR ADVANCING FOOD SECURITY

30. Food security for people living in remote, hilly and tribal areas.-The Central Government and the State Governments shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security.

31. Steps to further advance food and nutritional security.- The Central Government, the State Governments and local authorities shall, for the purpose of advancing food and nutritional security, strive to progressively realise the objectives specified in Schedule **III.**

CHAPTER XIII

MISCELLANEOUS

32. Other welfare schemes.- (1) The provisions of this Act shall not preclude the Central Government or the State Government from continuing or formulating other food based welfare schemes.

(2) Notwithstanding anything contained in this Act, the State Government may, continue with or formulate food or nutrition based plans or schemes providing for benefits higher than the benefits provided under this Act, from its own resources.

33. Penalties.-Any public servant or authority found guilty, by the State Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, shall be liable to penalty not exceeding five thousand rupees:

Provided that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed.

34. Power to adjudicate.- (1) For the purpose of adjudging penalty under section 33, the State Commission shall authorise any of its member to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

(2) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion ofthe adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignored such recommendation, he may impose such penalty as he thinks fit in accordance with the provisions of section 33.

35. Power to delegate by Central Government and State Government.- (1) The Central Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or an officer subordinate to the Central Government or the State Government as it may specify in the notification.

(2) The State Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by an officer subordinate to it as it may specify in the notification.

36. Act to have overriding effect.- The provisions of this Act or the schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

37. Power to amend Schedules.- (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II or Schedule III or Schedule **IV** and thereupon Schedule I or Schedule II or Schedule III or Schedule **IV,** as the case may be, shall be deemed to have been amended accordingly.

(2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.

38. Power of Central Government to give directions.-The Central Government may, from time to time, give such directions, as it may consider necessary, to the State Governments for the effective implementation of the provisions of this Act and the State Governments shall comply with such directions.

39. Power of Central Government to make rules.- (1) The Central Government may, in consultation with the State Governments and by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) scheme including cost sharing for providing maternity benefit to pregnant women and lactating mothers under clause *(b)* of section 4;

(b) schemes covering entitlements under sections 4, 5 and section 6 including cost sharing under section 7;

(c) amount, time and manner of payment of food security allowance to entitled individuals under section 8;

(d) introducing schemes of cash transfer, food coupons or other schemes to the targeted beneficiaries in order to ensure their foodgrains entitlements in such areas and manner under clause *(h)* of sub-section (2) of section 12;

(e) the norms and manner of providing assistance to the State Governments in meeting expenditure under clause *(d)* of sub-section (4) of section 22;

(f) manner in which funds shall be provided by the Central Government to the State Governments in case of short supply of foodgrains, under section 23;

(g) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

40. Power of State Government to make rules.- (1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) guidelines for identification of priority households under sub-section (1) of section 10;

(b) internal grievance redressal mechanism under section 14;

(c) qualifications for appointment as District Grievance Redressal Officer and its powers under sub-section (2) of section 15;

(d) method and terms and conditions of appointment of the District Grievance Redressal Officer under sub-section (3) of section 15;

(e) manner and time limit for hearing complaints by the District Grievance Redressal Officer and the filing of appeals under sub-sections (5) and (7) of section 15;

(f) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member-Secretary of the State Commission, procedure for meetings of the Commission and its powers, under sub-section (5) of section 16;

(g) method of appointment of staff of the State Commission, their salaries, allowances and conditions of service under sub-section (8) of section 16;

(h) manner in which the Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to public under section 27;

(i) manner in which the social audit on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes shall be conducted under section 28;

(j) composition of Vigilance Committees under sub-section (1) of section 29; *(k)* schemes or programmes of the Central Government or the State Governments for utilisation of institutional mechanism under section 43;

(l) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

(3) Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

41. Transitory provisions for schemes, guidelines, etc. The schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees, existing on the date of commencement of this Act, shall continue to be in force and operate till such schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees are specified or notified under this Act or the rules made thereunder:

Provided that anything done or any action taken under the said schemes, guidelines, orders and food standard, grievance redressal mechanism, or by vigilance committees shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act.

42. Power to remove difficulties. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

43. Utilisation of institutional mechanism for other purposes. The services of authorities to be appointed or constituted under sections 15 and 16 may be utilised in the implementation of other schemes or programmes of the Central Government or the State Governments, as may be prescribed by the State Government.

44. *Force Majeure.-* The Central Government, or as the case may be, the State Government, shall be liable for a claim by any person entitled under this Act, except in the case of war, flood, drought, fire, cyclone or earthquake affecting the regular supply of foodgrains or meals to such person under this Act:

Provided that the Central Government may, in consultation with the Planning Commission, declare whether or not any such situation affecting the regular supply of foodgrains or meals to such person has arisen or exists.

45. Repeal and savings.-(1) The National Food Security Ordinance, 2013 (Ord. 7 of 2013) is hereby repealed.

(2) Notwithstanding such repeal,-

(a) anything done, any action taken or any identification of eligible households made; or

(b) any right, entitlement, privilege, obligation or liability acquired, accrued or incurred; or

(c) any guidelines framed or directions issued; or

(d) any investigation, inquiry or any other legal proceeding initiated, conducted or continued in respect of such right, entitlement, privilege, obligation or liability as aforesaid; or

(e) any penalty imposed in respect of any offence,

under the said Ordinance shall be deemed to have been done, taken, made, acquired, accrued, incurred, framed, issued, initiated, conducted, continued or imposed under the corresponding provisions of this Act.

SCHEDULE I

[See sections 3(1), 22(1), (3) and 24 (2), (3)]

SUBSIDISED PRICES UNDER TARGETED PUBLIC DISTRIBUTION SYSTEM

Eligible households shall be entitled to foodgrains under section 3 at the subsidised price not exceeding rupees 3 per kg for rice, rupees 2 per kg for wheat and rupee 1 per kg for coarse grains for a period of three years from the date of commencement of this Act; and thereafter, at such price, as may be fixed by the Central Government, from time to time, not exceeding,-

*(i)*the minimum support price for wheat and coarse grains; and

*(ii)*the derived minimum support price for rice,

as the case may be.

SCHEDULE II

[See sections 4(a), 5(1) and 6]

NURRITIONAL STANDARDS

Nutritional standards: The nutritional standards for children in the age group of 6 months to 3 years, age group of 3 to 6 years and pregnant women and lactating mothers required to be met by providing "Take Home Rations" or nutritious hot cooked meal in accordance with the Integrated Child Development Services Scheme and nutritional standards for children in lower and upper primary classes under the Mid Day Meal Scheme are as follows:

Serial number	Category	Type of Meal[2]	Calories (Kcal)	Protein (g)
1.	Children (6 months to 3 years)	Take Home Ration	500	12-15
2.	Children (3 to 6 years)	Morning Snack and Hot Cooked Meal	500	12-15
3.	Children (6 months to 6 years) who are malnourished	Take Home Ration	800	20-25

Serial number	Category	Type of Meal[2]	Calories (Kcal)	Protein (g)
4.	Lower primary classes	Hot Cooked Meal	450	12
5.	Upper primary classes	Hot Cooked Meal	700	20
6.	Pregnant women and Lactating mothers	Take Home Ration	600	18-20

SCHEDULE III

***(See* section 31)**

PROVISIONS FOR ADVANCING FOOD SECURITY

(1) Revitalisation of Agriculture-

(a) agrarian reforms through measures for securing interests of small and marginal farmers;

(b) increase in investments in agriculture, including research and development, extension services, micro and minor irrigation and power to increase productivity and production;

(c) ensuring livelihood security to farmers by way of remunerative prices, access to inputs, credit, irrigation, power, crop insurance, etc.;

(d) prohibiting unwarranted diversion of land and water from food production.

(2) Procurement, Storage and Movement related interventions-

(a) incentivising decentralised procurement including procurement of coarse grains;

(b) geographical diversification of procurement operations;

(c) augmentation of adequate decentralised modem and scientific storage;

(d) giving top priority to movement of foodgrains and providing sufficient number of rakes for this purpose, including expanding the line capacity of rail ways to facilitate foodgrain movement from surplus to consuming regions.

(3) Others: Access to-

(a) safe and adequate drinking water and sanitation;

(b) health care;

(c) nutritional, health and education support to adolescent girls;

(d) adequate pensions for senior citizens, persons with disability and single women.

SCHEDULE IV

[See section 3(1)]

STATE-WISE ALLOCATION OF FOODGRAINS

S. No.	Name of the State	Quantity (in Lakh tons)
1.	Andhra Pradesh	32.10
2.	Arunachal Pradesh	0.89
3.	Assam	16.95
4.	Bihar	55.27
5.	Chhattisgarh	12.91
6.	Delhi	5.73
7.	Goa	0.59
8.	Gujarat	23.95
9.	Haryana	7.95
10.	Himachal Pradesh	5.08
11.	Jammu and Kashmir	7.51
12.	Jharkhand	16.96
13.	Kamataka	25.56
14.	Kerala	14.25

S. No.	Name of the State	Quantity (in Lakh tons)
15.	Madhya Pradesh	34.68
16.	Maharashtra	45.02
17.	Manipur	1.51
18.	Meghalaya	1.76
19.	Mizoram	0.66
20.	Nagaland	1.38
21.	Odisha	21.09
22.	Punjab	8.70
23.	Rajasthan	27.92
24.	Sikkim	0.44
25.	Tamilnadu	36.78
26.	Tripura	2.71
27.	Uttar Pradesh	96.15
28.	Uttarakhand	5.03
29.	West Bengal	38.49
30.	Andaman and Nicobar Islands	0.16
31.	Chandigarh	0.31
32.	Dadra and Nagar Haveli	0.15
33.	Daman and Diu	0.07
34.	Lakshadweep	0.05
35.	Puducherry	0.50
	Total	**549.26**

DR. SANJAY SINGH,
Additional Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್.ಆಂಜಿನಿ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

P.R. 107
SC - 20

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 46 ಕೇಶಾಪ್ರ 2013, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 08/11ನೇ ನವೆಂಬರ್, 2013.

2013ನೇ ಸಾಲಿನ 23-09-2013ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷೆನ್ (1) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Wakf (Amendment) Act, 2013 (No.27 of 2013) ದಿನಾಂಕ 20-09-2013 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd September, 2013

The following Act of Parliament received the assent of the President on the 20th September, 2013, and is hereby published for general information:-

THE WAKF (AMENDMENT) ACT, 2013

No. 27 OF 2013

[20th September, 2013.]

An Act to amend the Wakf Act, 1995.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:-

1. Short title and commencement..-(1) This Act may be called the Wakf (Amendment) Act, 2013.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of long title.-In the long title to the Wakf Act, 1995 (43 of 1995) (hereinafter referred to as the principal Act), for the word "Wakfs", the word "Auqaf" shall be substituted.

3. Amendment of section 1.-In section 1 of the principal Act, in sub-section (1), for the word "Wakf", the word "Waqf" shall be substituted.

4. Substitution of references to certain expressions by certain other expressions.- Throughout the principal Act, for the words "wakf", "wakfs" and "wakif", wherever they occur, the words "waqf", "auqaf" and "waqif" shall, respectively, be substituted, and such other consequential amendments as the rules of grammar may require shall also be made.

5. Amendment of section 3.-In section 3 of the principal Act,-

(i) after clause *(e),* the following clause shall be inserted, namely:-

'*(ee)* "encroacher" means any person or institution, public or private, occupying waqf property, in whole or part, without the authority of law and includes a person whose tenancy, lease or licence has expired or has been terminated by mutawalli or the Board;';

(ii) for clause *(g),* the following clause shall be substituted, namely:-

'*(g)* "list of auqaf' means the list of auqaf published under sub-section (2) of section 5 or contained in the register of auqaf maintained under section 37;';

(iii) in clause *(i),* after the proviso, the following provisos shall be inserted, namely:-

"Provided further that the mutawalli shall be a citizen of India and shall fulfil such other qualifications as may be prescribed:

Provided also that in case a waqf has specified any qualifications, such qualifications may be provided in the rules as may be made by the State Government;";

(iv) in clause *(k),* in sub-clause *(i),* for the words "worship" and "khangah", the words "offer prayer" and "khanqah, peerkhana and karbala" shall, respectively, be substituted;

(v) for clause (r), the following clause shall be substituted, namely:-

'*(r)* "waqf" means the permanent dedication by any person, of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable and includes-

(i) a waqf by user but such waqf shall not cease to be a waqf by reason only of the user having ceased irrespective of the period of such cesser;

(ii) a Shamlat Patti, Shamlat Deh, Jumla Malkkan or by any other name entered in a revenue record;

(iii) "grants", including mashrat-ul-khidmat for any purpose recognised by the Muslim law as pious, religious or charitable; and

(iv) a waqf-alal-aulad to the extent to which the property is dedicated for any purpose recognised by Muslim law as pious, religious or charitable, provided when the line of succession fails, the income of the waqf shall be spent for education, development, welfare and such other purposes as recognised by Muslim law,

and "waqif" means any person making such dedication;'.

6. Amendment of section 4.-In section 4 ofthe principal Act,-

(a) in sub-section (1), for the words "wakfs existing in the State at the date of the commencement of this Act", the words "auqaf in the State" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:-

"*(1A)* Every State Government shall maintain a list of auqaf referred to in sub-section (1) and the survey of auqaf shall be completed within a period of one year from the date of commencement of the Wakf (Amendment) Act, 2013,

in case such survey was not done before the commencement of the Wakf (Amendment) Act, 2013:

Provided that where no Survey Commissioner of Waqf has been appointed, a Survey Commissioner for auqaf shall be appointed within three months from the date of such commencement.";

(c) in sub-section (6),-

(i) in the proviso, for the words "twenty years", the words "ten years" shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:-

"Provided further that the waqf properties already notified shall not be reviewed again in subsequent survey except where the status of such property has been changed in accordance with the provisions of any law.".

7. Amendment of section 5.-In section 5 of the principal Act,-

(a) in sub-section (2), for the words "publish in the Official Gazette", the words "forward it back to the Government within a period of six months for publication in the Official Gazette" shall be substituted;

(b) after sub-section (2), the following sub-sections shall be inserted, namely:"

(3) The revenue authorities shall-

(i) include the list of auqaf referred to in sub-section (2), while updating the land records; and

(ii) take into consideration the list of auqaf referred to in sub-section (2), while deciding mutation in the land records.

(4) The State Government shall maintain a record of the lists published under sub-section (2) from time to time.".

8. Amendment of section 6.-In section 6 of the principal Act, in sub-section (1),-

(a) for the words "any person interested therein", the words "any person aggrieved" shall be substituted;

(b) after the proviso, the following proviso shall be inserted, namely:-

"Provided further that no suit shall be instituted before the Tribunal in respect of such properties notified in a second or subsequent survey pursuant to the provisions contained in sub-section (6) of section 4.";

(c) the Explanation shall be omitted.

9. Amendment of section 7.-In section 7 of the principal Act,*(a)* in sub-section (1),-

(i) for the words "any question", the words "any question or dispute" shall be substituted;

(ii) for the words "or any person interested", the words and figure "or any person aggrieved by the publication of the list of auqaf under section 5" shall be substituted;

(b) after sub-section (5), the following sub-section shall be inserted, namely:-

"(6) The Tribunal shall have the powers of assessment of damages by unauthorised occupation of waqf property and to penalise such unauthorised occupants for their illegal occupation of the waqf property and to recover the damages as arrears of land revenue through the Collector:

Provided that whosoever, being a public servant, fails in his lawful duty to prevent or remove an encroachment, shall on conviction be punishable with fine which may extend to fifteen thousand rupees for each such offence.".

10. Substitution of new section for section 8.-For section 8 of the principal Act, the following section shall be substituted, namely:-

"8. **State Government to bear cost of survey.-**The total cost of making a survey including the cost of publication of the list or lists of auqaf under this Chapter shall be borne by the State Government.".

11. Amendment of section 9.--In section 9 ofthe principal Act,-

(a) for sub-section (1), the following sub-sections shall be substituted, namely:-

"(1) The Central Government may, by notification in the Official Gazette, establish a Council to be called the Central Waqf Council, for the purpose of advising the Central Government, the State Governments and the Boards on matters concerning the working of Boards and the due administration of auqaf.

(1A) The Council referred to in sub-section (1) shall issue directives to the Boards, on such issues and in such manner, as provided under sub-sections (4) and (5).";

(b) in sub-section (2), in clause *(b),-*

(i) for sub-clause *(ii),* the following sub-clause shall be substituted, namely:-

"(ii) four persons of national eminence, one each from the fields of administration or management, financial management, engineering or architecture and medicine;";

(ii) after sub-clause *(viii),* the following proviso shall be inserted, namely:-

"Provided that at least two of the members appointed under sub-clauses *(i)* to *(viii)* shall be women.";

(c) after sub-section (3), the following sub-sections shall be inserted, namely:-

"(4) The State Government or, as the case may be, the Board, shall furnish information to the Council on the performance of Waqf Boards in the State, particularly on their financial performance, survey, maintenance of waqf deeds, revenue records, encroachment of waqf properties, annual reports and audit reports in the manner and time as may be specified by the Council and it may *suo motu* call for information on specific issues from the Board, if it is satisfied that there was *prima facie* evidence of irregularity or violation of the provisions of this Act and if the Council is satisfied that such irregularity or violation of the Act is established, it may issue such directive, as considered appropriate, which shall be complied with by the concerned Board under intimation to the concerned State Government.

(5) Any dispute arising out of a directive issued by the Council under sub-section (4) shall be referred to a Board of Adjudication to be constituted by the Central Government, to be presided over by a retired Judge of the Supreme Court or a retired Chief Justice of a High Court and the fees and travelling and other allowances payable to the Presiding Officer shall be such as may be specified by that Government.".

12. Amendment of section 13.-In section 13 of the principal Act,-

(a) after sub-section (1), the following proviso shall be inserted, namely:-

"Provided that in case where a Board of Waqf has not been established, as required under this sub-section, a Board of Waqf shall, without prejudice to the provisions of this Act or any other law for the time being in force, be established within six months from the date of commencement of the Wakf (Amendment) Act, 2013.";

(b) after sub-section (2), the following sub-section shall be inserted, namely:-

"(2A) Where a Board of Waqf is established under sub-section (2) of section 13, in the case of Shia waqf, the Members shall belong to the Shia Muslim and in the case of Sunni waqf, the Members shall belong to the Sunni Muslim.".

13. Amendment of section 14.-In section 14 of the principal Act-

(1) in sub-section (1),-

(i) for the words "the Union territory of Delhi", wherever they occur, the words "the National Capital Territory of Delhi" shall be substituted;

(ii) in clause *(b),-*

(a) for sub-clause *(iii),* the following sub-clause shall be substituted, namely:-

"(iii) Muslim members of the Bar Council of the concerned State or Union territory:

Provided that in case there is no Muslim member of the Bar Council of a State or a Union territory, the State Government or the Union territory administration, as the case may be, may nominate any senior Muslim advocate from that State or the Union territory, and";

(b) after sub-clause (zv), the following *Explanations* shall be inserted, namely:-

"Explanation 1.- For the removal of doubts, it is hereby declared that the members from categories mentioned in sub-clauses *(i)* to *(iv),* shall be elected from the electoral college constituted for each category.

Explanation II.-For the removal of doubts it is hereby declared that in case a Muslim member ceases to be a Member of Parliament from the State or National Capital Territory of Delhi as referred to in sub-clause *(i)* of clause *(b)* or ceases to be a Member of the State Legislative Assembly as required under sub-clause *(ii)* of clause *(b),* such member shall be deemed to have vacated the office of the member of the Board for the State or National Capital Territory of Delhi, as the case may be, from the date from which such member ceased to be a Member of Parliament from the State or National Capital Territory of Delhi, or a Member of the State Legislative Assembly, as the case may be;";

(iii) for clauses *(c)* to *(e),* the following clauses shall be substituted, namely:-

"(c) one person from amongst Muslims, who has professional experience in town planning or business

management, social work, finance or revenue, agriculture and development activities, to be nominated by the State Government;

(d) one person each from amongst Muslims, to be nominated by the State Government from recognised scholars in Shia and Sunni Islamic Theology;

(e) one person from amongst Muslims, to be nominated by the State Government from amongst the officers of the State Government not below the rank of Joint Secretary to the State Government;";

(II) after sub-section (1), the following sub-section shall be inserted, namely:

"*(1A)* No Minister of the Central Government or, as the case may be, a State Government, shall be elected or nominated as a member of the Board:

Provided that in case of a Union territory, the Board shall consist of not less than five and not more than seven members to be appointed by the Central Government from categories specified under sub-clauses *(i)* to *(iv)* of clause *(b)* or clauses *(c)* to *(e)* in sub-section (1):

Provided further that at least two Members appointed on the Board shall be women:

Provided also that in every case where the system of mutawalli exists, there shall be one mutawalli as the member of the Board.";

(III) sub-section (5) shall be omitted.

(IV) sub-section (7) shall be omitted.

14. Amendment of section 15.-In section 15 of the principal Act, the words, brackets and figures "from the date of notification referred to in sub-section (9) of section 14" shall be inserted at the end.

15. Amendment of section 16. -In section 16 of the principal Act, after clause *(d),* the following clause shall be inserted, namely:-

"*(da)* he has been held guilty of encroachment on any waqf property;".

16. Insertion of new section 20A.-After section 20 of the principal Act, the following section shall be inserted, namely:-

"20A. **Removal of Chairperson by vote of no confidence.-**Without prejudice to the provisions of section 20, the Chairperson of a Board may be removed by vote of no confidence in the following manner, namel y:-

(a) no resolution expressing a vote of confidence or no confidence in any person elected as Chairperson of a Board shall be moved except in the manner prescribed and twelve months have not elapsed after the date of his election as a Chairperson and be removed except with the prior permission of the State Government;

(b) notice for no confidence shall be addressed to the State Government stating clearly the grounds on which such motion is proposed to be moved and shall be signed by at least half the total members of the Board;

(c) at least three members of the Board signing the notice of no confidence shall personally present to the State Government, the notice together with an affidavit signed by them to the effect that the signatures on no confidence motion are genuine and have been made by the signatories after hearing or reading the contents of the notice;

(d) on receipt of the notice of no confidence, as provided hereinabove, the State Government shall fix such time, date and place as may be considered suitable for holding a meeting for the purpose of the proposed no confidence motion:

Provided that at least fifteen days notice shall be given for such a meeting;

(e) notice for meeting under clause *(d)* shall also provide that in the event of no confidence motion being duly carried on or, election of the new Chairperson, as the case may be, shall also be held in the same meeting;

(f) the State Government shall also nominate a Gazetted Officer (other than an officer of the department which is concerned with the supervision and administration of the Board) to act as presiding officer of the meeting in which the resolution for no confidence shall be considered;

(g) the quorum for such a meeting of the Board shall be one-half of the total number of members of the Board;

(h) the resolution for no confidence shall be deemed to be carried out, if passed by a simple majority of the members present;

(i) if a resolution for no confidence is carried out, the Chairperson shall cease to hold office forthwith and shall be succeeded by his successor who shall be elected by another resolution in the same meeting;

(j) election of the new Chairperson shall be conducted under clause *(i),* in the meeting under the chairmanship of the said presiding officer referred to in clause *(j),* in the following manner, namely:-

(A) Chairperson shall be elected from amongst the elected members of the Board;

(B) nomination of candidates shall be proposed and seconded in the meeting itself and election after withdrawal, if any, shall be held by method of secret ballot;

(C) election shall be held by simple majority of the members present in the meeting and in case of equality of votes, the matter shall be decided by drawing of lots; and

(D) proceedings of the meeting shall be signed by the presiding officer;

(k) new Chairperson elected under clause *(h)* shall hold the office only up to the remainder of the term of the Chairperson removed by the resolution of no confidence; and

(l) if the motion for passing the resolution of no confidence fails for want of quorum or lack of requisite majority at the meeting, no subsequent meeting for considering the motion of no confidence shall be held within six months of the date of the previous meeting.".

17. Amendment of section 23.-In section 23 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) There shall be a full-time Chief Executive Officer of the Board who shall be a Muslim and shall be appointed by the State Government, by notification in the Official Gazette, from a panel of two names suggested by the Board and who shall not be below the rank of Deputy Secretary to the State Government, and in case of non-availability of a Muslim officer of that rank, a Muslim officer of equivalent rank may be appointed on deputation.".

18. Substitution of new section for section 27.-For section 27 of the principal Act, the following section shall be substituted, namely:-

"27. Delegation of powers by Board.-The Board may, by a general or special order in writing, delegate to the Chairperson, any other member, the Chief Executive Officer or any other officer or servant of the Board or any area committee, subject to such conditions and limitations as may be specified in the said order, such of its powers and duties under this Act, as it may deem necessary, except the powers and functions of the Board mentioned under clauses *(c), (d), (g)* and *(j)* of sub-section (2) of section 32 and section 110.".

19. Substitution of new section for section 28.-For section 28 of the principal Act, the following section shall be substituted, namely:-

"28. **Power of District Magistrate, Additional District Magistrate or Sub- Divisional Magistrate to implement the directions of the Board.-**Subject to the provisions of this Act and the rules made thereunder, the District Magistrate or in his absence an Additional District Magistrate or Sub-Divisional Magistrate of a District in the State shall be responsible for implementation of the decisions of the Board which may be conveyed through the Chief Executive Officer and the Board may, wherever considers necessary, seek directions from the Tribunal for the implementation of its decisions.".

20. Amendment of section 29.- Section 29 of the principal Act shall be numbered as sub-section (1) thereof, and-

(a) in sub-section (1) as so numbered, for the words "subject to such conditions and restrictions as may be prescribed and subject to the payment of such fees as may be leviable under any law for the time being in force", the words "subject to such conditions as may be prescribed" shall be substituted;

(b) after sub-section (1) as so numbered, the following sub-sections shall be inserted, namely:-

"(2) The mutawalli or any other person having the custody of any document related to waqf properties shall produce the same, within the prescribed period, before the Chief Executive Officer on being called upon to do so in writing.

(3) Subject to such conditions as may be prescribed, an agency of the Government or any other organisation shall supply, within ten working days, copies of the records, registers of properties or other documents relating to waqf properties or claimed to be waqf properties, to the Chief Executive Officer on a written request to this effect from him:

Provided that before taking any course of action as mentioned in sub-sections (2) and (3), the Chief Executive Officer shall obtain approval of the Board.".

21. Amendment of section 31.-In section 31 of the principal Act, the following shall be inserted at the end, namely:-

"or a Member of Union territory Legislature or a Member of a State Legislature if so declared under a law made by the appropriate State Legislature".

22. Amendment of section 32.-In section 32 of the principal Act,-

(I) in sub-section (2),-

(a) for clause *(j),* the following clause, shall be substituted, namely:

"(j) to sanction lease of any immovable property of a waqf in accordance with the provisions of this Act and the rules made thereunder:

Provided that no such sanction shall be given unless a majority of not less than two-thirds of the members of the Board present cast their vote in favour of such transaction:

Provided further that where no such sanction is given by the Board, the reasons for doing so shall be recorded in writing.";

(b) after clause *(n),* the following clause shall be inserted, namely:

"(na) to determine or cause to be determined, in such manner as may be specified by the Board, market rent of the waqf land or building;";

(II) in sub-section (4), for the words "offers a feasible potential for development as a shopping centre", the words "has the potential for development as an educational institution, shopping centre, market, housing or residential flats and the like" shall be substituted;

(III) in sub-section (5), the words "with the prior approval of the Government," shall be omitted.

23. Amendment of section 33.-In section 33 of the principal Act, in sub-section (1),-

(a) after the words "the Chief Executive Officer", the words "or any other person authorised by him in writing" shall be inserted;

(b) the words "either himself or any other person authorised by him in writing in this behalf' shall be omitted.

24. Amendment of section 36.-In section 36 of the principal Act, in sub-section (2), in the proviso, for the words "made by the wakf", the words "made by the waqf" shall be substituted.

25. Amendment of section 37.-Section 37 of the principal Act shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-sections shall be inserted, namely:-

"(2) The Board shall forward the details ofthe properties entered in the register of auqaf to the concerned land record office having jurisdiction of the waqf property.

(3) On receipt of the details as mentioned in sub-section (2), the land record office shall, according to established procedure, either make necessary entries in the land record or communicate, within a period of six months from the date of registration of waqf property under section 36, its objections to the Board.".

26. Amendment of section 44.-In section 44 of the principal Act,-

(a) in sub-section (2), for the words "ninety days", the words "thirty days" shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) In case the Board considers any item in the budget being contrary to the objects of the waqf and the provisions of this Act, it may give such direction for addition or deletion of such item as it may deem fit.".

27. Amendment of section 46.-In section 46 of the principal Act, in sub-section (2), for the figure, letters and words "Ist day of May", at both the places where they occur, the figure, letters and words "Ist day of July" shall be substituted.

28. Amendment of section 47.- In section 47 ofthe principal Act,-

(I) in sub-section (1),-

(i) in clause (a), for the words "ten thousand rupees", the words "fifty thousand rupees" shall be substituted;

(ii) in clause (b), for the words "ten thousand rupees", the words "fifty thousand rupees" shall be substituted;

(iii) in clause (c), after the words "the State Government may,", the words "under intimation to the Board," shall be inserted;

(II) in sub-section (3), in the first proviso, for the words "more than ten thousand rupees but less than fifteen thousand rupees", the words "more than fifty thousand rupees" shall be substituted.

29. Amendment of section 51.-In section 51 of the principal Act,-

(i) for sub-section (1), the following sub-sections shall be substituted, namely:-

"(1) Notwithstanding anything contained in the waqf deed, any lease of any immovable property which is waqf property, shall be void unless such lease is effected with the prior sanction of the Board:

Provided that no mosque, dargah, kbanqah, graveyard, or imambara shall be leased except any unused graveyards in the States of Punjab, Haryana and Himachal Pradesh where such graveyard has been leased out before the date of commencement of the Wakf (Amendment) Act, 2013.

(1A) Any sale, gift, exchange, mortgage or transfer of waqf property shall be void ab initio:

Provided that in case the Board is satisfied that any waqf property may be developed for the purposes of the Act, it may, after recording reasons in writing, take up the development of such property through such agency and in such manner as the Board may determine and move a resolution containing recommendation of development of such waqf property, which shall be passed by a majority oftwo-thirds of the total membership of the Board:

Provided further that nothing contained in this sub-section shall affect any acquisition of waqf properties for a public purpose under the Land Acquisition Act, 1894 (1 of 1894) or any other law relating to acquisition of land if such acquisition is made in consultation with the Board:

Provided also that-

(a) the acquisition shall not be in contravention of the Places of Public Worship (Special Provisions) Act, 1991 (42 of 1951.)

(b) the purpose for which the land is being acquired shall be undisputedly for a public purpose;

(c) no alternative land is available which shall be considered as more or less suitable for that purpose; and

(d) to safeguard adequately the interest and objective of the waqf, the compensation shall be at the prevailing market value or a suitable land with reasonable solatium in lieu of the acquired property.";

(ii) sub-sections (2), (3), (4) and (5) shall be omitted.

30. Amendment of section 52.- In section 52 of the principal Act, in sub-section (1), after the words and figures "provisions of section 51", the words and figures "or section 56" shall be inserted.

31. Insertion of new section 52A.- After section 52 of the principal Act, the following section shall be inserted, namely:-

"52A. **Penalty for alienation of waqf property without sanction of Board.-**(1) Whoever alienates or purchases or takes possession of, in any manner whatsoever, either permanently or temporarily, any movable or immovable property being a waqf property, without prior sanction of the Board, shall be punishable with rigorous imprisonment for a term which may extend to two years:

Provided that the waqf property so alienated shall without prejudice to the provisions of any law for the time being in force, be vested in the Board without any compensation therefor.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974.) any offence punishable under this section shall be cognizable and non-bailable.

(3) No court shall take cognizance of any offence under this section except on a complaint made by the Board or any officer duly authorised by the State Government in this behalf.

(4) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this section.".

32. Amendment of section 54.-In section 54 of the principal Act,-

(a) in sub-section (3), for the words "he may, by an order, require the encroacher to remove", the words "he may, make an application to the Tribunal for grant of order of eviction for removing" shall be substituted;

(b) for sub-section (4), the following sub-sections shall be substituted, namely:-

"(4) The Tribunal, upon receipt of such application from the Chief Executive Officer, for reasons to be recorded therein, make an order of eviction directing that the waqf property shall be vacated by all persons who may

be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the waqf property:

Provided that the Tribunal may before making an order of eviction, give an opportunity of being heard to the person against whom the application for eviction has been made by the Chief Executive Officer.

(5) If any person refuses or fails to comply with the order of eviction within forty-five days from the date of affixture of the order under sub-section (2), the Chief Executive Officer or any other person duly authorised by him in this behalf may evict that person from, and take possession of, the waqf property.".

33. Amendment of section 55.-In section 55 of the principal Act,-

(a) for the word, brackets and figure "sub-section (3)", the word, brackets and figure "sub-section (4)" shall be substituted;

(b) for the words "apply to the Sub-Divisional Magistrate", the words "refer the order of the Triubnal to the Executive Magistrate" shall be substituted.

34. Insertion of new section 55A.- After section 55 of the principal Act, the following section shall be inserted, namely:-

"55A. Disposal of property left on waqf property by unauthori sed occupants.-(1) Where any person has been evicted from any waqf property under sub-section (4) of section 54, the Chief Executive Officer may, after giving fourteen days' notice to the person from whom possession of the waqf property has been taken and after publishing the notice in at least one newspaper having circulation in the locality and after proclaiming the contents of the notice by placing it on conspicuous part of the waqf property, remove or cause to be removed or dispose of by public auction any property remaining on such premises.

(2) Where any property is sold under sub-section (1), the sale proceeds shall, after deducting the expenses relating to removal, sale and such other expenses, the amount, if any, due to the State Government or a local authority or a corporate authority on account of arrears of rent, damages or costs, be paid to such person, as may appear to the Chief Executive Officer to be entitled to the same:

Provided that where the Chief Executive Officer is unable to decide as to the person to whom the balance of the amount is payable or as to the appointment of the same, he may refer such dispute to the Tribunal and the decision of the Tribunal thereon shall be final.".

35. Amendment of section 56.-In section 56 of the principal Act,-

(a) in sub-section (1),-

(i) for the words "A lease or sub-lease for any period exceeding three years", the words "A lease for any period exceeding thirty years" shall be substituted;

(ii) the following provisos shall be inserted at the end, namely:-

"Provided that a lease for any period up to thirty years may be made for commercial activities, education or health purposes, with the approval of the State Government, for such period and purposes as may be specified in the rules made by the Central Government:

Provided further that lease of any immovable waqf property, which is an agricultural land, for a period exceeding three years shall, notwithstanding anything contained in the deed or instrument of waqf or in any other law for the time being in force, be void and of no effect:

Provided also that before making lease of any waqf property, the Board shall publish the details of lease and invite bids in at least one leading national and regional news papers.";

(b) in sub-section (2), for the words "A lease or sub-lease for any period exceeding one year and not exceeding three years", the words "A lease for a period of one year but not exceeding thirty years" shall be substituted;

(c) in sub-section (3),-

(i) the words "or sub-lease", at both the places where they occur, shall be omitted;

(ii) the following proviso shall be inserted at the end, namely:-

"Provided that the Board shall immediately intimate the State Government regarding a lease for any period exceeding three years of any waqf property and thereafter it may become effective after the expiry of forty-five days from the date on which the Board intimates the State Government.";

(d) after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

36. Amendment of section 61.- In section 61 of the principal Act, in sub-section (1), for the words "eight thousand rupees", the words, brackets and letters "ten thousand rupees for non-compliance of clauses *(a)* to *(d)* and in case of non-compliance of clauses *(e)* to *(h),* he shall be punishable with imprisonment for a term which may extend to six months and also with fine which may extend to ten thousand rupees" shall be substituted.

37. Amendment of section 65.- In section 65 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:-

"(5) Notwithstanding anything contained in sub-section (1), the Board shall take over the administration of a waqf, if the waqf Board has evidence before it to prove that management of the waqf has contravened the provisions of this Act.".

38. Amendment of section 68.- In section 68 of the principal Act,-

(i) in sub-section (2), for the words "Magistrate of the first class" and "Magistrate", the words "District Magistrate, Additional District Magistrate, SubDivisional Magistrate or their equivalent" shall be substituted;

(ii) in sub-sections (3), (4), (5) and sub-section (6), for the words "the Magistrate" the words "any Magistrate" shall be substituted.

39. Amendment of section 69.-In section 69 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Where the Board is satisfied after an enquiry, whether on its own motion or on the application of not less than five persons interested in any waqf, to frame a scheme for the proper administration of the waqf, it may, by an order, frame such scheme for the administration of the waqf, after giving reasonable opportunity and after consultation with the mutawalli or others in the prescribed manner.".

40. Amendment of section 71.- In section 71 of the principal Act, in sub-section (1), for the figures "73", the figures "70" shall be substituted.

41. Amendment of section 72.- In section 72 of the principal Act, in sub-section (1), in *Explanation J,* in clause *(iii),-*

(i) after the words "following purposes", the words "in respect of lands directly under cultivation by the mutawalli for the benefit of the waqf' shall be inserted;

*(ii)*in sub-clause *(f),* in the *proviso*, for the words "ten per cent.", the words "twenty per cent." shall be substituted;

*(iii)*after the proviso, the *following* proviso shall be inserted, namely:

"Provided further that no such deduction shall be permitted in respect of waqf land given on lease, by whatever name called, whether *batai* or share cropping or any other name.".

42. Amendment of section 77.- In section 77 of the principal Act, in sub-section (4), after clause *(f),* the following clause shall be inserted, namely:-

"(g) payment of maintenance to Muslim women as ordered by a court of competent jurisdiction under the provisions of the Muslim Women (Protection of Rights on Divorce) Act, 1986.". (25 of 1986.)

43. Amendment of section 81.- In section **81** ofthe principal Act, after the words "as it thinks fit", the following shall be inserted at the end, namely:-

"and a copy of the said auditor's report, along with orders shall be forwarded by the State Government to the Council within a period of thirty days of laying of such report before each House of the State Legislature where it consists of two Houses or where such Legislatures consist of one House, before that House.".

44. Amendment of section 83.- In section 83 of the principal Act,-

(a) for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The State Government shall, by notification in the Official Gazette, constitute as many Tribunals as it may think fit, for the determination of any dispute, question or other matter relating to a waqf or waqf

property, eviction of a tenant or determination of rights and obligations of the lessor and the lessee of such property, under this Act and define the local limits and jurisdiction of such Tribunals;";

(b) for sub-section (4), the following sub-sections shall be substituted, namely:-

"(4) Every Tribunal shall consist of-

(a) one person, who shall be a member of the State Judicial Service holding a rank, not below that of a District, Sessions or Civil Judge, Class **I,** who shall be the Chairman;

(b) one person, who shall be an officer from the State Civil Services equivalent in rank to that of the Additional District Magistrate, Member;

(c) one person having knowledge of Muslim law and jurisprudence, Member;

and the appointment of every such person shall be made either by name or by designation.

(4A) The terms and conditions of appointment including the salaries and allowances payable to the Chairman and other members other than persons appointed as *ex officio* members shall be such as may be prescribed.".

45. Amendment of section 85.-In section 85 of the principal Act, for the words "civil court", the words "civil court, revenue court and any other authority" shall be substituted.

46. Amendment of section 86.-In section 86 of the principal Act, in clause *(b),* after the words "a previous mutawalli", the words "or by any other person" shall be inserted.

47. Omission of section 87. -Section 87 of the principal Act shall be omitted.

48. Amendment of section 90.-In section 90 of the principal Act, in sub-section (3), for the words "one month", the words "six months" shall be substituted.

49. Amendment of section 91.-In section 91 of the principal Act, in sub-section (1), for the words "it appears to the collector before an award is made that any property", the words "and before an award is made, in case the property" shall be substituted.

50. Amendment of section 97.-In section 97 of the principal Act, the following proviso shall be inserted at the end, namely:-

"Provided that the State Government shall not issue any direction being contrary to any waqf deed or any usage; practice or custom ofthe waqf.".

51. Amendment of section 99.-In section 99 of the principal Act,-

(a) in sub-section (1), after the proviso, the following proviso shall be inserted, namely:-

"Provided further that the power of the State Government under this section shall not be exercised unless there is a *prima facie* evidence of financial irregularity, misconduct or violation of the provisions of this Act.";

*(b)*in sub-section (3), for clause *(a),* the following clause shall be substituted, namely:-

"(a) extend the period of supersession by another six months with reasons to be recorded in writing and, the period of continuous supersession shall not exceed more than a year; or".

52. Amendment of section 102.-In section 102 of the principal Act, in sub-section (2), for the words "after consulting the State Governments", the words "after consulting the Council and the State Governments" shall be substituted.

53. Insertion of new section 104A. -After section 104 of the principal Act, the following section shall be inserted, namely:-

"104A. **Prohibition of sale, gift, exchange, mortgage or transfer of waqf property.-**(1) Notwithstanding anything contained in this Act or any other law for the time being in force or any waqf deed, no person shall sell, gift, exchange, mortgage or transfer any movable or immovable property which is a waqf property to any other person.

(2) Any sale, gift, exchange, mortgage or transfer of property referred to in sub-section (1) shall be void *ab initio.".*

54. Insertion of new section 104B.-After section 104A of the principal Act, the following section shall be inserted, namely:-

"104B. **Restoration of waqf properties in occupation of Government agencies to waqf Board.**-(1) If any waqf property has been occupied by the Government agencies it shall be returned to the Board or the mutawalli within a period of six months from the date of the order of the Tribunal.

(2) The Government agency may, if the property is required for a public purpose, make an application for determination of the rent, or as the case may be, the compensation, by the Tribunal at the prevailing market value.".

55. Amendment of section 106.-In section 106 of the principal Act, in sub-section (1), for the words "after consultation with the Government", the words "after consultation with the Council and the Government" shall be substituted.

56. Insertion of new section 108A.-After section 108 of the principal Act, the following section shall be inserted, namely:-

"108A. Act to have overriding effect.-The provisions ofthis Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.".

57. Amendment of section 109.-In section 109 of the principal Act, in sub-section (2),-

(a) for clause (i), the following clauses shall be substituted, namely:-

"(i) the qualifications required to be fulfilled by a person to be appointed as a mutawalli under clause (i) of section 3;

(ia) other particulars which the report of the Survey Commissioner may contain under clause (j) of sub-section (3) of section 4;";

(b) in clause (vi), for the word "under", the words, brackets and figure "under sub-section (1) of " shall be substituted;

(c) after clause (vi), the following clauses shall be inserted, namely:-

"(via) the period within which the mutawalli or any other person may produce documents related to waqf properties under sub-section (2) of section 31;

(vib) the conditions under which an agency of the Government or any other organisation may supply copies of records, registers and other documents under sub-section (3) of section 31;";

(d) clause (xi) shall be omitted;

(e) after clause (xxii), the following clause shall be inserted, namely:-

"(xxiia) the terms and conditions of appointment including the salaries and allowances payable to the Chairman and other members other than persons appointed as ex officio members under sub-section (4A) of section 83;".

P.K. MALHOTRA,

Secy. to the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್.ಆಂಜಿನಿ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 43 ಕೇಶಾಪ್ರ 2013, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 11ನೇ ನವೆಂಬರ್, 2013.

2013ನೇ ಸಾಲಿನ 28-09-2013ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ (1) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Indian Medical Council (Amendment) Second Ordinance, 2013 (No. 11 of 2013) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the *28th September,* 2013

THE INDIAN MEDICAL COUNCIL (AMENDMENT) SECOND ORDINANCE, 2013

No. 11 OF 2013

Promulgated by the President in the Sixty-fourth Year of the Republic of India.

An Ordinance further to amend the Indian Medical Council Act, 1956.

WHEREAS the Indian Medical Council (Amendment) Ordinance, 2013 was promulgated by the President on the 21st day of May, 2013;

AND WHEREAS the Indian Medical Council (Amendment) Bill. 2013 with certain modifications was introduced in the Council of States to replace the said Ordinance, which has not been passed and is pending in that House;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance with certain modifications;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

CHAPTER I

PRELIMINARY

1. Short title and commencement.-(1) This Ordinance may be called the Indian Medical Council (Amendment) Second Ordinance, 2013.

(2) It shall be deemed to have come into force on the 15th day of May, 2013.

2. Amendment of long title.-In the indian Medical Council Act, 1956 (102 of 1956) (hereinafter referred to as the principal Act), for the long title, the following long titile shall be substituted, namely:-

"An Act to provide for the constitution of the Medical Council of India and for the determination, co-ordination, maintenance and regulation of standards of medical education, the practice of medicine, maintenance of Indian Medical Register and to make endeavour in making available doctors in all States and for matters connected therewith or incidental thereto.".

3. Amendment of section 2.-In section 2 of the principal Act, in clause (1), after the words "a medical faculty", the following shall be inserted, namely:-

"but does not include Deemed University for the purpose of section 3 of the Act".

4. Amendment of section 3.-In section 3 of the principal Act,-

(a) in sub-section (1),-

(i) after clause *(a),* the following clause shall be inserted, namely:

(aa) one member, to represent the Union territories by rotation, to be nominated by the Central Government;";

(ii) for clause *(b),* the following clause shall be substituted, namely:-

"(b) one member from each University, to be elected from amongst the members of the medical faculty of the University by members of the Senate of the University or in case the University has no Senate, by members of the Court or in case the University has no Court, a body equivalent to the Senate or the Court:

Provided that where there is Health University in a State, the Senate of the Health University or in case the Health University has no Senate, by members of the Court or in case the University has no Court, a body equivalent to the Senate or the Court of that University, shall elect one representative for every ten medical colleges affiliated to it, from amongst the medical faculty of those medical colleges, to represent such medical colleges:

Provided further that a Health University with less than ten medical colleges affiliated to it, shall also be eligible to elect one representative to represent such medical colleges:

Provided also that such number of reprsentatives shall be reviewed by the Central Government after every four years;";

(iii) clause *(d)* shall be omitted;

(b) in sub-section (2), the following proviso shall be inserted, namely:

"Provided that no person shall hold office as the President or, as the case may be, the Vice-President for more than two terms.".

5. Insertion of new section 3AA.-After section 3A of the principal Act, the following section shall be inserted, namely:-

"3AA. **Reconstitution of Council.**-The Central Government shall, after the commencement of the Indian Medical Council (Amendment) Second Ordinance, 2013, reconstitute the Council, by notification in the Official Gazette, and publish the names of the members nominated or elected to the Council under sub-section (1) of section 3 within a period not exceeding one hundred and eighty days:

Provided that the Board of Governors constituted under sub-section (4) of section 3A shall continue to exercise the powers and perform the functions of the Council till the new Council is reconstituted or for such period not exceeding one hundred and eighty days, whichever is earlier.".

6. Amendment of section 4.-In section 4 of the principal Act, in sub-section (1),-

(a) the words, brackets and letter "or clause *(d)"* shall be omitted;

(b) the words, brackets, letter and figures "and any rules so made provide that pending the preparation of the Indian Medical Register in accordance with the provisions of this Act, the members referred to in clause *(d)* of sub-section *(I)* of section 3 may be nominated by the Central Government instead of being elected as provided therein," shall be omitted.

7. Amendment of section 7.-In section 7 of the principal Act,-

(a) in sub-section *(I),* for the words "five. years", the words "four years" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:

"(2) Subject to the provisions of the Act, a member, whether nominated or elected, shall hold office for a term of four years.";

(c) in sub-section (6), for the words "five years", the words "four years" shall be substituted.

8. Insertion of new section 9A.-After section 9 of the principal Act, the following section shall be inserted, namely:-

"9A. Functions of Council.-(1) The Council shall, subject to the provisions of the Act and rules made thereunder, take measures to determine, coordinate and maintain the standards of medical education and practice in medicine, the Indian Medical Register and make endeavour in making available doctors in all States.

(2) Without prejudice to the generality of the foregoing provisions, the measures referred to in sub-section (1), may, *inter alia,* provide for all or any of the following matters, namely:-

(a) lay down the standards of professional ethics in the practice of medicine;

(*b)* grant or withdraw permission for establishment of medical college and course of study in medical education and ensure compliance of its terms and conditions for such permission;

(c) maintain the Indian Medical Register;

(d) render advice to the Central Government or the State Government on matters relating to the medical education and practice in medicine;

(e) facilitate medical education in the institutions situated outside the country;

(f) undertake and recommend to the Central Government or the State Government such measures as may be necessary to regulate medical education in or outside the country;

(g) organise seminars, symposiums and workshops in order to promote continuous medical education and practice in medicine; and

(h) perform such other functions as may be laid down in the rules made by the Central Government.".

9. Amendment of section 13.-In section 13 of the principal Act,-

(a) in sub-section (2) and (3), for the words "a citizen of India", the words "a citizen of India or an overseas citizen of India" shall respectively be substituted;

(b) in sub-section *(4A),* for the words "a citizen of India", the words "a citizen of India or an overseas citizen of India" shall be substituted;

(c) sub-section *(4B)* and the proviso relating thereto shall be omitted;

(d) in sub-section *(4C),* for the words, brackets, figures and letters "sub-sections *(4A)* and *(4B)",* the word, brackets, figure and letter "sub-section *(4A)"* shall be substituted;

(e) after sub-section (5), the following Explanation shall be inserted, namely:-

'Explanation.-*For* the purposes of this section, the expression "overseas citizen of India" shall have the meaning assigned to it in clause *(ee)* of sub-section *(1)* of section 2 of the Citizenship Act, 1955. (57 of 1955)

10. Amendment of section 14.-In section 14 of the principal Act, in the proviso to sub-section *(I),* the words "for the time being for the purposes of teaching, research or charitable work" shall be omitted.

11. Amendment of section 21.-In section 21 of the principal Act,-

(a) in sub-section (I),for the words "the names", the words "the names and biometric details" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:

'(2A) The Council shall, in addition to the Indian Medical Register referred to in sub-section *(I),* maintain the Medical Register in electronic form containing the particulars included in the Indian Medical Register.

Explanation.-*For* the purpose of this sub-section, the expression, "electronic form" shall have the meaning assigned to it in clause *(r)* of sub-section (I) of section 2 of the Information Technology Act, 2000.(21 of 2000).

12. Insertion of new section 30A.-After section 30 of the principal Act, the following section shall be inserted, namely:-

"30A. Resignation, removal and suspension of President. Vice President or members of Council.-(1) The President, Vice-President or any member of the Council may, by notice in writing under his hand addressed to the Central Government, resign from his office:

Provided that the President, Vice-President or any member of the Council shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of a period of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(2) Notwithstanding anything contained in sub-section *(I),* the Central Government may remove from office the President, Vice-President, or any member of the Council. who-

(a) has been adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as such President, Vice-President, or other member; or

(c) is of unsound mind and stand so declared by a competent court; or

(d) has been convicted of an offence involving moral turpitude; or

(e) has acquired such' financial or any other interest in any medical institution falling within the purview of the Council, which is likely to affect prejudicially the exercise of his functions as the President, Vice President, or a member; or

(f) is unable to perform or has made persistent defaults-

(i) in the performance of the duties imposed on him under this Act or has exceeded or abused his position; or

(ii) either wilfully or without sufficient cause neglects to comply with the directions issued by the Central Government under sections 33A and 33B; or

(g) has been guilty of proved misbehaviour or his continuance in office would be detrimental in public interest.

(3) No person shall be removed from his office on the grounds specified in clause *(e)* or clause (f) or clause (g) of sub-section (2), unless he has been given a reasonable opportunity of being heard in the matter.".

13. Amendment of section 32.-In section 32 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the manner of election of the Council under sub-section (1) of section 4;

(b) such other functions of the Council under clause *(h)* of sub-section (2) of section 9A as may be laid down by the Central Government;

(c) the conditions and payment of fees for filing of an appeal before the Central Government under sub-section (2) of section 24;

(d) any other matter which is required to be, or may be, provided by rules or in respect of which provision is to be made by rules.".

14. Amendment of section 33.-In section 33 of the principal Act, for clause *(ma),* the following clause shall be substituted, namely:-

"(ma) the modalities for conducting screening test under sub-section (4A) of section 13;".

15. Insertion of new sections 33A. 33B and 33C.- After section 33 of the principal Act, the following sections shall be inserted, namely:

***"33A.* Power of Central Government to give directions-.** Without prejudice to the foregoing provisions of this Act, the Council shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time, and the question whether the direction given is one of policy or not shall be decided by the Central Government.

33B.* Powers of Central Government to direct regulations to be made or to make or amend regulations.-(I)* Where the Central Government considers it expedient so to do, it may, by order

in writing, direct the Council to make any regulations or to amend or revoke any regulations already made by it, within such period as the Central Government may specify in this behalf.

(2) If the Council fails or neglects to comply with such order within the specified period, the Central Government may make the regulations or amend or revoke the regulations made by the Council, as the case may be, in such manner as the Central Government thinks fit. . .

33C. **Laying of rules and regulations-**Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation or both Houses agree that the rule and regulation should not be made, the rule and regulation shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule or regulation.".

16. Validation and savings.-Notwithstanding the fact that the Indian Medical Council (Amendment) Ordinance, 2013 has ceased to operate, anything done or any action taken or purported to have been done or taken or any permission or direction given under the said Ordinance shall be deemed to have been done, taken or given under the corresponding provisions of this Ordinance.
Ord. 4 of 2013.

PRANAB MUKHERJEE,
President

P. K. MALHOTRA,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್.ಆಂಜಿನಿ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

P.R. 109
SC - 20

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 94 ಕೇನಿಪ್ರ 2013, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 07ನೇ ನವೆಂಬರ್, 2013.

2013ನೇ ಸಾಲಿನ 24-10-2013ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ G.S.R. 701 (E) The State of Karnataka (Special Responsibility of Governor for Hyderabad-Karnataka Region) Order, 2013 ದಿನಾಂಕ 24-10-2013 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 24th October, 2013

G.S.R. 701(E).-The following Order made by the President is published for general information:-

``C.O. 265"

THE STATE OF KARNATAKA (SPECIAL RESPONSIBILITY OF GOVERNOR FOR HYDERABAD-KARNATAKA REGION) ORDER, 2013

In exercise of the powers conferred by clause (1) of article 371J of the Constitution, the President hereby makes, with respect to the State of Karnataka, the following Order, namely :-

58. Short title and commencement..-(1) This Order may be called The State of Karnataka (Special Responsibility of Governor for Hyderabad-Karnataka Region) Order, 2013.

(2) It shall come into force at once.

59. Special responsibility of Governor.-(1) The Governor of Karnataka shall have the special responsibility for the establishment of a separate development board for Hyderabad-Karnataka region and for other matters referred to in clause (1) and clause (2) of article 371J of the Constitution in respect of that region.

(2) The Governor shall, for the purposes of sub-clause (1), have power to issue such orders as may be necessary.

PRANAB MUKHERJEE,
President

[F.No. 19(1)/13-L.1]
P. K. MALHOTRA,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್.ಆಂಜಿನಿ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

P.R. 110
SC - 20

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 40 ಕೇಶಾಪ್ರ 2013, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 6ನೇ ನವೆಂಬರ್, 2013.

2013ನೇ ಸಾಲಿನ 19–09–2013ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ (1) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Ragiv Gandhi National Aviation University Act, 2013 (No. 26 of 2013) ದಿನಾಂಕ: 18–09–2013ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the *19th September,* 20*13*

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:-

THE RAJIV GANDHI NATIONAL AVIATION UNIVERSITY ACT, 2013
NO. 26 OF 2013

[18*th September*, 2013.]

An Act to establish and incorporate a national aviation University to facilitate and promote aviation studies and research to achieve excellence in areas of aviation management, policy, science and technology, aviation environment, training in governing fields of safety and security regulations on aviation and other related fields to produce quality human resources to cater to the needs of the aviation sector and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. Short title and commencement.-*(1)* This Act may be called the Rajiv Gandhi National Aviation University Act, 2013.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Definitions.-In this Act, and in all Statutes made hereunder, unless the context otherwise requires,—

(*a*) **"Academic Council"** means the Academic Council of the University;

(*b*) **"academic staff"** means such categories of staff as are designated as academic staff by the Ordinances;

(*c*) **"Board of Schools"** means the Board of Schools of the University;

(*d*) **"Campus"** means the unit established or constituted by the University for making arrangements for instruction, research, education and training;

(*e*) **"Chancellor and Vice-Chancellor"** mean, respectively, the Chancellor and Vice-Chancellor of the University;

(*f*) **"College"** means a college maintained by or admitted to the privileges of the University for imparting education and training in aviation studies or in its associated disciplines;

(*g*) **"Court"** means the Court of the University;

(*h*) **"Dean of School"** means an administrative officer in charge of a college, faculty or a Division in a University;

(*i*) **"Department"** means a Department of Studies and includes a Centre of Studies;

(*j*) **"Director General"** means the Director General of Civil Aviation;

(*k*) **"Distance Education System"** means the system of imparting education through any means of communication, such as broadcasting, telecasting, internet, correspondence courses, seminars, contact programmes, e-learning or the combination of such means;

(*l*) **"employee"** means any person appointed by the University and includes teachers and other staff of the University;

(*m*) **"Executive Council"** means the Executive Council of the University;

(*n*) **"Finance Committee"** means the Finance Committee of the University;

(o) **"Hall"** means a unit of residence for the students of the University or of a College or an Institution maintained by the University;

(*p*) **"Institution"** means an institution, school, college or centre of studies maintained by or admitted to the privileges of the University for imparting education,training and research in aviation studies or in its associated disciplines;

(*q*) **"notification"** means a notification published in the Official Gazette;

(*r*) **"off-shore Campus"** means an institution, college, centre, school or campus of the University established outside the country;

(*s*) **"principal"** means the head of a college or an institution;

(*t*) **"recognised Institution"** means an institution admitted to the privileges of the University for imparting education in aviation studies or its associated disciplines;

(*u*) **"recognised teachers"** means such persons as are recognised by the University for the purpose of imparting instructions in a college or an institution admitted to the privileges of the University;

(*v*) **"school"** means a School of Studies of the University;

(*w*) **"Statutes", "Ordinances"** and **"Regulations"** mean, respectively, the Statutes, the Ordinances and the Regulations of the University made under this Act;

(*x*) **"teachers of the University"** means Professors, Associate Professors, Assistant Professors, Readers, Senior Lecturers, Lecturers and such other persons as may be appointed or recognised for imparting instruction or conducting research in the University or in any college or institution maintained by the University or for giving guidance to students for any course of study of the University are designated as teachers by the Statutes;

(*y*) **"University"** means the National Aviation University established under this Act;

(*z*) **"University Grants Commission"** means the Commission established under section 4 of the University Grants Commission Act, 1956. (3 of 1956)

3. Establishment of University- (*1*) There shall be established a University by the name of "Rajiv Gandhi National Aviation University".

(2) The headquarters of the University shall be at Fursatganj in the District of Raebareli in the State of Uttar Pradesh;

(3) The University may establish or maintain campuses and centres at such other places within its jurisdiction as it may deem fit.

(4) The first Chancellor, the first Vice-Chancellor, the first members of the Court, the Executive Council, the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the University.

(*5*) The University shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall by that name, sue and be sued.

(*6*) The University shall be a teaching, research and affiliating Aviation University.

4. Objects of University.-The objects of the University shall be,—

(*i*) to facilitate and promote aviation studies, teaching, training, research and extension work with focus on emerging areas of studies such as aviation management, aviation regulation and policy, aviation history, aviation science and engineering, aviation law, aviation safety and security, aviation medicine, search and rescue, transportation of dangerous goods, environmental studies and other related fields, and also to achieve excellence in these and connected fields in emerging areas and such areas as may emerge in future;

(*ii*) to promote advanced knowledge by providing institutional and research facilities in such branches of learning as it may deem fit and to make provisions for integrated courses in management, science and other key and frontier areas of technology and allied disciplines in the educational programmes of the University;

(*iii*) to create an ambience for learning and scholarship in aviation technology;

(*iv*) to take appropriate measures for ensuring and regulating the quality of aviation education programmes in India offered by recognised institutions;

(*v*) to develop academic standards of an international level and undertake other measures as it may deemed fit, to facilitate the development for skilled aviation manpower including the licensed category of aviation personnel;

(*vi*) to develop various programmes for airlines, airport, aviation authorities and staff ranging from airline management and marketing, airport management, regulations and aviation law, aviation safety and security or any other programme and train manpower in aviation field;

(*vii*) to take appropriate measures for promoting innovations in teaching-learning process, undertake inter-disciplinary studies and research.

5. Powers of University.-(*1*) The University shall have the following powers, namely:—

(*i*) to provide for instructions in the aviation related natural sciences, social sciences, humanities, engineering, technology and medicine or as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

(*ii*) to recognise aviation training colleges and institutes and to make provisions for recognising of such colleges and institutions, maintenance of standards and to undertake special studies;

(*iii*) to establish and maintain campuses, departments, laboratories, libraries, museums, centres of research, training and specialised studies;

(*iv*) to establish and maintain hostel, health centres and other related facilities like auditoria, playgrounds, gymnasiums, swimming pools and training facilities;

(*v*) to establish linkages and collaborate with any other college or University, research institution, industry association, professional or any other organisations in India or outside India to conceptualise, design and develop specific programmes on aviation as part of education and research, training programmes and exchange programmes for students, academic staff and others;

(*vi*) to provide for establishment of campuses, colleges and Institutions for serving a group of recognised colleges and to provide for and maintain common resource centres in such campuses in the form of libraries, laboratories, computer centres and the like centres of learning;

(*vii*) to prepare educational programmes or courses leading to award of Diploma, Degree, Post Graduate Degrees in the field of civil aviation;

(*viii*) to grant, subject to such conditions as the University may determine, degrees including doctoral degrees, diplomas or certificates other than Certificates of Competencies of licensed aviation personnel, which shall continue to be issued by Director General of Civil Aviation, Government of India till the Central Government otherwise decides, and confer degrees and other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such degrees including doctoral degrees, diplomas, certificates, or other academic distinctions for good and sufficient cause;

(*ix*) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(*x*) to organise and to undertake extra-mural studies, training and extension services;

(*xi*) to institute Directorships, Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or academic positions;

(*xii*) to provide for the terms and conditions of service of Directors, Principals and teachers and other members of the academic staff appointed by the University;

(*xiii*) to appoint persons working in any other University or organisation as teachers of the University for a specified period;

(*xiv*) to recognise an institution of higher learning for such purposes as the University may determine and to withdraw such recognition;

(*xv*) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;

(*xvi*) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;

(*xvii*) to create teaching, non-teaching, administrative, ministerial and other posts in the University and to make appointments thereto;

(*xviii*) to co-operate or collaborate or associate with any other University or authority or institution of higher learning within India or located outside the country, in such manner and for such purposes as the University may determine;

(*xix*) to approve appointment of persons for imparting instructions in any institution admitted to the privileges of the University and to withdraw such approval;

(*xx*) to inspect recognised institutions through suitable machinery established for the purpose, and to take measures to ensure that proper standards of instruction, teaching and training are maintained by them, and adequate library, laboratory, hospital, workshop and other academic facilities are provided for;

(*xxi*) to coordinate the work of different colleges and institutions working in the same and similar areas;

(*xxii*) to set up facilities like computer centre, training centre, instrumentation centre, library, simulators or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

(*xxiii*) to set up curriculum development centres for different subjects;

(*xxiv*) to admit to its privileges colleges and institutions, not maintained by the University, and to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes;

(*xxv*) to recognise guide, supervise and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;

(*xxvi*) to make provision for research and advisory services and for that purpose, to enter into such arrangements with other institutions or bodies as the University may deem necessary;

(*xxvii*) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(*xxviii*) to institute and award fellowships, scholarships, studentships, assistantships, medals and prizes;

(*xxix*) to demand and receive payment of fees and other charges;

(*xxx*) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(*xxxi*) to make such special arrangements in respect of women students as the University may consider desirable;

(*xxxii*) to regulate the conduct of the students of the University;

(*xxxiii*) to control and regulate admission of students for various courses of study in Departments, recognised institutions, schools and centres of studies;

(*xxxiv*) to regulate the work and conduct of the employees of the University;

(*xxxv*) to regulate and enforce discipline among the employees and students of the University and to take such disciplinary measures in this regard as may be deemed necessary;

(*xxxvi*) to make arrangements for promoting the health and general welfare of the employees of the University;

(*xxxvii*) to receive benefactions, donations and gifts from persons and to name after them such chairs, institutions, buildings and the like, the University may determine, whose gift or donation to the University is worth such amount as the University may decide;

(*xxxviii*) to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the purposes of the University;

(*xxxix*) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(*xl*) to assess needs of the students in terms of subjects, fields of specialisation, levels of education and training of technical manpower, both on short and long term basis, and to initiate necessary programmers to meet these needs;

(*xli*) to initiate measures to enlist the co-operation of the industry to provide complementary facilities;

(*xlii*) to provide for instruction through "distance learning" and "open approach" and for mobility of students from the non-formal open learning stream to the formal stream and *vice versa;*

(*xliii*) to establish such campuses, special centres, specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objective;

(*xliv*) to confer autonomous status on a college or an institution or a Department, as the case may be, in accordance with the Statutes;

(*xlv*) to arrange for the training to upgrade aviation standard of the employees of the industry and institutes and to levy fees for such training as prescribed by the Statutes;

(*xlvi*) to establish off-shore Campus at any place outside the Country as and when it is considered necessary for advancing the aims and objects of the University; and

(*xlvii*) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(*2*) In exercising its powers referred to in sub-section (*1*), it shall be the endeavour of the University to maintain an international character and highest possible standards of teaching and research.

6. Jurisdiction.-The jurisdiction of the University shall extend to the whole of India.

7. University open to all classes, castes and creed.-The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or promotion of educational interests of women, physically challenged or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes:

Provided further that no such special provision shall be made on the ground of domicile.

8. Fund of University.- (*1*) There shall be a University Fund which shall include—

(*a*) any contribution or grant made by the Central Government or an instrumentality of the Central Government;

(*b*) any contribution or grant made by the State Governments;

(*c*) any contribution from aviation companies and aviation industry both Indian and international;

(*d*) any bequests, donations, endowments or other grants made by any private individual or institution;

(*e*) income received by the University from fees and charges; and

(*f*) amounts received from any other source.

(*2*) The said fund shall be utilised for such purposes of the University and in such manner as may be prescribed by the Statutes and the Ordinances.

9. The Visitor.- (1) The President of India shall be the Visitor of the University:

Provided that the President may, by order, nominate any person to be the Visitor and such person so nominated shall hold office for such term, not exceeding five years as may be specified in the order and the person so nominated shall exercise the powers and discharge duties of the Visitor.

(*2*) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including colleges and institutions managed by it, and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions, as he considers necessary, in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(*3*) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any college, institution or campus maintained by the University and also of the examinations, instruction and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, colleges or institutions.

(*4*) The Visitor shall, in every matter referred to in sub-section (*3*), give notice to the University of his intention to cause an inspection or inquiry to be made—

(*a*) to the University, if such inspection or inquiry is to be made in respect of the University or any college or institution maintained by it, or

(*b*) to the management of the college or institution, if the inspection or inquiry is to be made in respect of the college or institution admitted to the privileges of the University, and the University or the management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(*5*) After considering the representations, if any, made by the University or the management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (*3*).

(*6*) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative, who shall have the right to be present in person and be heard at such inspection or inquiry.

(*7*) The Visitor may, if the inspection or inquiry is made in respect of the University, college or institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and

advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate forthwith to the Executive Council the results of the inspection or inquiry, and the views of the Visitor and the advice tendered by him upon the action to be taken thereon.

(*8*) The Visitor may, if the inspection or inquiry is made in respect of any college or institution admitted to the privileges of the University, address the management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

(*9*) The Executive Council or the management, as the case may be, shall communicate, through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(*10*) Where, the Executive Council or the management does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council or the management, issue such directions as he may think fit and the Executive Council shall comply with such directions.

(*11*) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, the Statutes or the Ordinances:

Provided that before making any such order, the Visitor shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(*12*) Notwithstanding anything contained in the foregoing provisions, the Visitor may give any direction to the University after giving an opportunity to the University as the circumstances warrant.

(*13*) The Visitor shall have such other powers as may be prescribed by the Statutes.

10. Officers of University.-The following shall be the officers of the University:—

(*1*) the Chancellor;

(*2*) the Vice-Chancellor;

(*3*) the Deans of Schools;

(*4*) the Registrar;

(*5*) the Finance Officer;

(*6*) the Controller of Examinations; and

(*7*) such other officers as may be declared by the Statutes to be officers of the University.

11. The Chancellor.- (*1*) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(*2*) The Chancellor shall, by virtue of his office, be the head of the University.

(*3*) The Chancellor shall, if present, preside at the Convocations of the University held for conferring degrees.

12. The Vice-Chancellor.- (*1*) The Vice-Chancellor shall be appointed by the Visitor in such manner for such term and on such emoluments and other conditions of service as may be prescribed by the Statutes.

(*2*) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(*3*) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within ninety days from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain suspended during the period of such decision by the authority or the Visitor, as the case may be, under this sub-section.

(5) The Vice-Chancellor may cause an inspection to be made by such person or persons as he may direct, of a College or an Institution not being maintained by the University, its buildings, libraries, laboratories and equipment, and also examinations, teaching and other work conducted or done by the college or the institution and cause an inquiry, to be made in the like manner, in respect of any matter connected with the quality of education and other academic activities of the colleges or the institutions.

(6) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

13. The Deans of Schools.-Every Dean of the School shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

14. The Registrar.-(*1*) The Registrar shall be appointed in such manner and on such terms and conditions of service, as may be prescribed by the Statutes.

(*2*) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University.

(*3*) The Registrar shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

15. The Finance Officer.-The Finance Officer shall be appointed in such manner and on such terms and conditions of service and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

16. The Controller of Examinations.-The Controller of Examinations shall be appointed in such manner and on such terms and conditions of service and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

17. Other officers.-The manner of appointment, terms and conditions of services and powers and duties of other officers of the University shall be prescribed by the Statutes.

18. Authorities of University.-The following shall be the authorities of the University, namely:—

(1) the Court;

(2) the Executive Council;

(3) the Academic Council;

(4) the Board of Affiliation and Recognition;

(5) the Boards of Schools;

(6) the Finance Committee; and

(7) such other authorities as may be declared by the Statutes to be the authorities of the University.

19. The Court.- (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes:

Provided that such number of members, as may be prescribed by the Statutes, shall be elected from among the teachers, employees and students of the University.

(*2*) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(*a*) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(*b*) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(*c*) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(*d*) to perform such other functions as may be prescribed by the Statutes.

20. The Executive Council.- (*1*) The Executive Council shall be the principal executive body of the University:

Provided that until the first Executive Council is formed, the Steering Committee of the Ministry of Civil Aviation shall function as an interim Executive Council.

(*2*) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court.

21. The Academic Council.- (*1*) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and supervision over, and be responsible for, the

maintenance of standards of instruction, education and examination within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it as may be prescribed by the Statutes.

(*2*) The Academic Council shall have the right to advise the Executive Council on all academic matters.

(*3*) The constitution of the Academic Council and the term of office of its members shall be such as may be prescribed by the Statutes.

22. The Board of Affiliation and Recognition.- (*1*) The Board of Affiliation and Recognition shall be responsible for admitting Colleges and Institutions to the privileges of the University.

(*2*) The constitution of the Board of Affiliation and Recognition, the term of office of its members and its powers and duties shall be such as may be prescribed by the Statutes.

23. The Boards of Schools.- (*1*) There shall be such number of Boards of Schools as the University may determine from time to time.

(*2*) The constitution, powers and functions of the Boards of Schools shall be such as may be prescribed by the Statutes.

24. The Finance Committee.-The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

25. Other authorities of University.-The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

26. Power to make Statutes.-Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(*a*) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;

(*b*) the election and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(*c*) the manner of appointment of the officers of the University, terms and conditions of service, their powers, emoluments and functions that may be exercised and performed by such authority;

(*d*) the manner of appointment of teachers, academic staff and other employees of the University, their emoluments and other conditions of service:

Provided that the terms and conditions of teachers, academic staff and other employees shall not be varied to their disadvantage;

(*e*) the manner of appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project, their terms and conditions of service and emoluments;

(*f*) the conditions of service of employees including provisions for pension, insurance and provident fund, the manner of termination of service and disciplinary action;

(*g*) the principles governing the seniority of service of the employees of the University;

(*h*) the procedure for arbitration in cases of dispute between employees or students of the University and the University;

(*i*) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(*j*) the coordination and determination of standards in the University;

(*k*) the conferment of autonomous status on a College or an Institution or a Department;

(*l*) the establishment and abolition of schools, Departments, centres, Halls, Colleges and Institutions;

(*m*) the conferment of honorary degrees;

(*n*) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(o) the conditions under which Colleges and Institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

(p) the Institution of fellowships, scholarships, studentships, assistantships, medals and prizes;

(q) the delegation of powers vested in the authorities or officers of the University;

(r) the maintenance of discipline among the employees and students; and

(s) all other matters which by this Act are to be or may be provided for by the Statutes.-

27. Statutes how to be made.- (*1*) The first Statutes of the University shall be framed by the Steering Committee of the Ministry of Civil Aviation and the copy of the same shall be laid as soon as may be, after it is made, before each House of Parliament.

(*2*) Without prejudice to the provisions contained in sub-section (*1*), the Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided:

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given reasonable opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(*3*) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor, who may assent thereto or withhold assent or remit to the Executive Council for reconsideration in the light of the observation, if any, made by him.

(*4*) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(*5*) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (*1*), during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

(*6*) Notwithstanding anything contained in this section, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

28. Power to make Ordinances.-(*1*) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(*a*) the admission of students to the University and their enrolment as such;

(*b*) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(*c*) the medium of instruction and examination;

(*d*) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(*e*) the fees to be charged for courses of study in the University and for admission to examinations, degrees and diplomas of the University;

(*f*) the conditions for award of fellowships, scholarships, studentships, assistantships, medals and prizes;

(*g*) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(*h*) the conditions of residence of the students of the University;

(*i*) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;

(*j*) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(*k*) the establishment of Centre of Studies, Board of Studies, Special centre, Specialised Laboratories and other Committees;

(*l*) the manner of co-operation and collaboration with other Universities in India or abroad and authorities including learned bodies or associations;

(*m*) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(*n*) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

(o) the supervision and management of Colleges and Institutions admitted to the privileges of the University;

(*p*) the setting up of a machinery for redressal of grievances of employees; and

(*q*) all other matters which by this Act or the Statutes may be provided for by the Ordinances.

(*2*) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

29. Regulations.-The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances in the manner prescribed by the Statutes, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances.

30. Annual report.- (*1*) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

(*2*) The Court shall submit the annual report to the Visitor along with its comments, if any.

(*3*) A copy of the annual report, as prepared under sub-section (*1*), shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(*4*) A copy of the annual report shall also be exhibited on the website of the University after having been laid in both Houses of Parliament.

31. Annual accounts.- (*1*) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

(*2*) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court along with the observations if any, of the Executive Council and the Court will submit the same to the Visitor along with its observation.

(*3*) Any observation made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

(*4*) A copy of the annual accounts together with the audit report, as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(*5*) The audited annual accounts after having been laid before both Houses of Parliament shall be published in the Gazette of India.

32. Returns and information.-The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require, within such period as may be specified by the Central Government.

33. Conditions of service of employees.- (*1*) The University shall enter into written contract of service with every employee of the University appointed on regular basis or otherwise and the terms and conditions of the contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

(*2*) A copy of the contract referred to in sub-section (*1*) shall be kept with the University and a copy thereof shall also be furnished to the employee concerned.

34. Tribunal of Arbitration.- (*1*) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(*2*) The decision of the Tribunal of Arbitration shall be final and binding on the parties and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

Provided that nothing in this sub-section shall preclude the employee from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

(*3*) Every request made by the employee under sub-section (*1*), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996. (26 of 1996.)

(*4*) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

35. Procedure of appeal and arbitration in disciplinary cases against students.-(*1*) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Disciplinary Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(*2*) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of section 36 shall, as far as may be, apply to a reference made under this sub-section.

36. Right to appeal.-Every employee or student of the University, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority

of the University or of the Principal of any College or Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

37. Provident and pension fund.- (*1*) The University shall constitute for the benefit of its employees such provident or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(*2*) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provision of the Provident Funds Act, 1925 (19 of 1925.) shall apply to such fund, as if it were a Government provident fund.

38. Disputes as to constitution of University authorities and bodies.- If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

39. Constitution of Committees.- Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other person, if any, as the authority in each case may think fit.

40. Filling of casual vacancies.- All the casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who appointed, elected or co-opted the members whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person of whose place he fills would have been a member.

41. Proceedings of University authorities or bodies not invalidated by vacancies.- No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

42. Protection of action taken in good faith.- No suit or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

43. Mode of proof of University record.- A copy of any receipt, application, notice, order, proceedings resolution of any

authority or Committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872.) or in any other law for the time being in force.

44. Power to remove difficulties.- (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

45. Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament.- (*1*) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette and hosted on the website of the University.

(*2*) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(*3*) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

46. Trasnsitional provisions.-Notwithstanding anything contained in this Act and the Statutes,—

(*a*) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and each of the said officers shall hold office for such term, not exceeding five years, as may be specified by the Visitor;

(*b*) the first Registrar and the first Finance Officer shall be appointed by the Visitor on the recommendation of the Vice-Chancellor and each of the said officers shall hold office for a term of three years;

(*c*) the first Court and the first Executive Council shall consist of not more than ten members and ten members, respectively, who shall be nominated by the Visitor and shall hold office for a term of three years;

(*d*) the first Academic Council shall consist of not more members than Executive Council and they shall hold office for a term of three years:

Provided that any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held that office, if such vacancy have not occurred.

47. Completion of courses of studies in Colleges or Institutions affiliated to University.-Notwithstanding anything contained in this Act, or in the Statutes or the Ordinances, any student of a College or an Institution, who, immediately before the admission of such College or Institution to the privileges of the University, was studying for a degree, diploma or certificate of any University constituted under any Act, shall be permitted by the University, to complete his course for that degree, diploma or certificate, as the case may be, and the University shall provide for the instructions and examination of such student in accordance with the syllabus of studies of such College or Institution or University, as the case may be.

48. Role of Central Government.-(*1*) The University shall, in discharge of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

(*2*) The decision of the Central Government as to whether a question is one of policy or not shall be final.

P.K. MALHOTRA,

Secy. to the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್.ಆಂಜಿನಿ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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ಸರ್ಕಾರಿ ಕೇಂದ್ರ ಮುದ್ರಣಾಲಯ, ಘಟಕ-2, ಬೆಂಗಳೂರು